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09/728,152	12/01/2000	Michael H. Gilbert	F-120	4441
919	7590	05/11/2011	EXAMINER	
PITNEY BOWES INC.			KRAMER, JAMES A	
INTELLECTUAL PROPERTY & TECH. LAW DEPT.				
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1 UNITED STATES PATENT AND TRADEMARK OFFICE  
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3  
4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
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8 *Ex parte* MICHAEL H. GILBERT  
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11 Appeal 2011-000629  
12 Application 09/728,152  
13 Technology Center 3600  
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17 Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and  
18 ANTON W. FETTING, *Administrative Patent Judges*.  
19 FETTING, *Administrative Patent Judge*.

20 DECISION ON APPEAL

1 STATEMENT OF THE CASE<sup>1</sup>

2 Michael H. Gilbert (Appellant) seeks review under 35 U.S.C. § 134  
3 (2002) of a final rejection of claims 8, 17, and 18. We have jurisdiction  
4 over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

5 This is the second time this application has come before the Board. The  
6 same art that was applied in the prior appeal is applied here, although the  
7 manner in which they are applied differs. The sole independent claim, claim  
8 1, has been amended since the prior appeal. Out of claims 1-18 standing  
9 rejected, the Appellant appeals only dependent claims 8, 17, and 18.

10 The Appellant invented a billing and payment processing system  
11 (Specification Page 1, lines 2-5).

12 An understanding of the invention can be derived from a reading of  
13 exemplary claim 1 which is reproduced below [bracketed matter and some  
14 paragraphing added].

15 1. A method of generating and processing billing and payment  
16 information utilizing computing units connected to a network  
17 for a service provided cooperatively by multiple tiers, the  
18 method comprising the steps of:

19 [1] collecting by a first computer unit usage information by a  
20 direct feed of raw data of the service from a meter by a  
21 customer from one of a first tier of the multiple tiers or a third  
22 party;

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<sup>1</sup> Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed March 8, 2010) and the Examiner's Answer ("Ans.," mailed June 9, 2010).

- 1 [2] integrating by a second computer unit the usage  
2 information with customer profile information of the customer  
3 provided by a second tier of the multiple tiers;
- 4 [3] generating by a third computer unit billing information  
5 based on the usage information, the customer profile  
6 information, and rate information for the service;
- 7 [4] generating by a fourth computer unit the bill based upon the  
8 billing information to the customer in the form of electronic  
9 data with billing information suitable for printing; and
- 10 [5] transmitting by a fourth computer unit the bill, to an  
11 optimal mailing location for printing and mailing to the  
12 customer.

13 The Examiner relies upon the following prior art:

Savage et al. US 2002/0026394 A1 Feb. 28, 2002

Carlin et al. US 6,697,843 B1 Feb. 24, 2004

14 Claims 1-5 and 8-16 stand rejected under 35 U.S.C. § 103(a) as  
15 unpatentable over Savage.

16       Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable  
17   over Savage and Carlin.

## ISSUES

19 The issue of obviousness turns on whether Savage describes the  
20 limitations added by claims 8, 17, and 18.

## FACTS PERTINENT TO THE ISSUES

2 The following enumerated Findings of Fact (FF) are believed to be  
3 supported by a preponderance of the evidence.

#### 4      *Facts Related to the Prior Art*

5 *Savage*

6        01. Savage is directed to a system and method for creating  
7           combined billing statements for customers of multiple vendors on  
8           a single periodic statement (paragraph 0001).

9        02. Savage is concerned with decreasing the number of resources  
10        required for services by automating processes (paragraphs 0009  
11        and 00023).

16        04. The customer information system maintains customer profile  
17        information. The customer profile information includes a  
18        transaction history of all of the goods and services purchased by  
19        the customer (paragraph 0076). The customer is associated with  
20        the supplier's information in the bill calculation system (paragraph  
21        0094).

22        05. The usage database compiles energy usage data and creates and  
23            sends a flat file of usage and meter detail to the bill calculator  
24            (paragraph 0094). The bill calculation module receives usage

1 data. For example, raw energy usage in kilowatt hour for used  
2 electricity or gas is received from an energy vendor and placed on  
3 the bill. The bill calculation module converts the usage data into a  
4 rated bill (paragraph 0098). Bill calculation by computer systems  
5 114 of financial institution 100 involves receiving and validating  
6 energy usage data feed, for example, from a vendor 140, such as  
7 energy retailer 104 shown in FIG. 1, automatically calculating  
8 charges and taxes based on the energy pricing parameters of the  
9 energy retailer 104, and generating usage, accounting, and  
10 settlement reports to the energy retailer 104 (paragraph 0055).

11 06. The system collects all charges associated to the customer and  
12 aggregates them on to a single bill. The bill is delivered to the  
13 customer in the customer's desired format. The bill format is  
14 available in both paper and electronic forms (paragraph 0110).

15 07. If energy usage is in dispute, a meter re-read request is  
16 submitted to a vendor technician who re-reads the customer's  
17 meter and logs the re-read data in to the wires and pipes database  
18 (paragraph 0088).

19 *Carlin*

20 08. Carlin is directed to a system and method for distributed hybrid  
21 mail (column 1, lines 7-10).

22 09. Mail production facilities merge fixed and variable information  
23 to create fully integrated mail. The integrated mail image is  
24 printed and distributed (column 5, lines 17-29).

1 10. Mailing data is sorted based on zip code information. Mail  
2 production facilities print mail based on the nearest proximity to  
3 the listed zip code (column 4, lines 52-65). This sorting by zip  
4 code enables taking advantage of postage discounts and  
5 processing efficiencies (column 3, lines 53-63).

## ANALYSIS

9        We are unpersuaded by the Appellant’s argument that Savage fails to  
10      describe the computers processing payments and allocating payments to pay  
11      service providers in claim 8. As the Examiner found,

12 Savage teaches that the account management system maintains  
13 the payment hierarchy by determining business rules and  
14 allocating payment to products (paragraph 0096). Savage  
15 further teaches calculating the charges (paragraph 0096).

16 Savage further teaches that the user that the user receives a bill  
17 with the various payment amounts from different billers  
18 (paragraph 0110 and Figs. 24-29). Savage then teaches a  
19 payment processing system which receives payment and posts  
20 the payment to the appropriate accounts including forwarding  
21 payment to clients (paragraph 0110; Examiner notes this is  
22 analogous to allocating payment based on the billing and  
23 payment information to pay the service providers, i.e. long  
24 distance carriers, etc.).

25 Answer 6.

26 We are unpersuaded by the Appellant's argument that Savage fails to  
27 describe the data mining and using those results in claims 17 and 18. As the  
28 Examiner found:

1 Savage teaches that advantages of the system include upselling  
2 customers of the financial institution's clients to become credit  
3 card customers and maximizing data mining opportunities  
4 across the system (paragraph 0013). Savage teaches that the  
5 financial institution's revenues are increased through marketing  
6 and information data mining in which marketing information  
7 includes customer information and payment information  
8 (paragraph 0020-0021 and 0060-0061 and 0063). Examiner  
9 notes that Appellant states the advantage of the claim limitation  
10 is that customers benefit by receiving one (or a fewer number)  
11 of integrated bills which provide them valuable information to  
12 optimize their selection of providers in each tier in a vertical  
13 multi-tier service (see Appeal Brief, page 10). Similarly,  
14 Savage teaches incentivizing users by allowing them to have  
15 combined billing in dealing with various providers including  
16 add on or supplemental offers (paragraphs 0018-0021 and  
17 0060-0061 and 0063).

18 Answer 6-7.

19 The Appellant made no arguments in support of the remaining claims.

22 The Appellant made no arguments in support of these claims.

## CONCLUSIONS OF LAW

24 The rejection of claims 1-5 and 8-16 under 35 U.S.C. § 103(a) as  
25 unpatentable over Savage is proper.

26 The rejection of claims 6 and 7 under 35 U.S.C. § 103(a) as unpatentable  
27 over Savage and Carlin is proper.

## DECISION

29 To summarize, our decision is as follows.

Appeal 2011-000629  
Application 09/728,152

- The rejection of claims 1-5 and 8-16 under 35 U.S.C. § 103(a) as unpatentable over Savage is sustained.
- The rejection of claims 6 and 7 under 35 U.S.C. § 103(a) as unpatentable over Savage and Carlin is sustained.

5 No time period for taking any subsequent action in connection with this  
6 appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R.  
7 § 1.136(a)(1)(iv) (2007).

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AFFIRMED

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